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2 IN THE UNITED STATES DISTRICT COURT
3 FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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5 CONSTELLATION NEWENERGY, : CIVIL ACTION
6 INC., :

7 :
8 Plaintiff :

9 vs. :
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POWERWEB TECHNOLOGIES, :
INC., et al., :

Defendants : NO. 02-CV-2733

10 - - -
11 Wednesday, May 19, 2004, Philadelphia, PA
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13 - - -

14 Deposition of RAYMOND F. DOVELL, CPA,
15 CFE, taken pursuant to notice, at the law
16 offices of Saul, Ewing, LLP, Centre Square
17 West, 1500 Market Street, 38th Floor, on the
18 above date, beginning at approximately 10:25
19 a.m., before Andrea M. Brinton, RPR, CSR and
20 Notary Public.
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24 V A R A L L O Incorporated
1835 Market Street, Suite 600
Philadelphia, PA 19103
25 215.561.2220 215.567.2670

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A. There certainly wasn't any references in the documents that I looked at that talked about that.

Q. Right. And that's just the documents on Exhibit 1; right?

A. Yes.

Q. Out of the universe of BGE documents?

MR. GLASER: We looked at everything Mr. Pappas relied on as well.

THE WITNESS: I don't know what the --

BY MS. GOODCHILD:

Q. You looked at the documents that were referenced in Mr. Pappas' report; correct?

A. Correct. I looked at Mr. Pappas' report and I wanted all the documents that were referenced in Mr. Pappas' report to see what he was reviewing to base his lost profits calculation on.

Q. Okay. And your opinions are based on the assumption that Mr. Pappas didn't use any knowledge of his own; is that correct?

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A. My opinions are based upon what he has in his report and what he referenced as what he used in his report as a basis and as data for his lost profits calculation.

If he used knowledge of his own, he did not cite it in his report about what the source or what type of information that he was using.

From his report, I don't see any specific comments about that this is knowledge that I have about the company's operations.

Q. Okay. Second paragraph of Mr. Pappas' report says that he provides write-up tax and accounting services throughout the year; is that correct?

A. That's correct.

MR. GLASER: Are you suggesting that obviates him under Rule 26? Because if so, we should probably get in front of the judge as soon as possible.

MS. GOODCHILD: Zach, I'm deposing Mr. Dovell right now.

MR. GLASER: You're making